

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OUR CHILDREN'S EARTH
FOUNDATION,

Plaintiff,

v.

ANDREW WHEELER,

Defendant.

No. C 19-07125 WHA

**ORDER RE MODIFICATION OF
CONSENT DECREE DEADLINE**

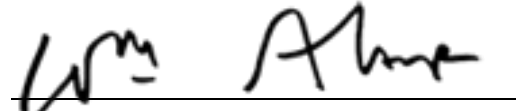
The parties in this action entered a consent decree on October 20, 2020 (Dkt. No. 33). Paragraph 8.b of that decree requires that “[n]o later than December 1, 2022, EPA shall sign either: (i) a final rule containing revisions to NESHAP Subpart M under section 112(d)(6) of the Act, 42 U.S.C. § 7412(d)(6); or (ii) a final determination under section 112(d)(6) not to revise NESHAP Subpart M.” The Court, at the request of the parties, has since extended that deadline twice: first to June 1, 2023 (Dkt. No. 42) and again to February 1, 2024 (Dkt No. 44). The parties now seek a third deadline extension to accommodate the EPA’s ongoing TSCA PCE rulemaking, which they note will likely impact the EPA’s final action with respect to a NESHAP amendment for PCE emissions at dry cleaning facilities (Dkt. No. 45). The EPA anticipates that the final TSCA rule regulating PCE will be published by August of 2024.

The Court therefore continues the deadline by which the appropriate EPA official must sign “either: (i) a final rule containing revisions to NESHAP Subpart M under section

1 112(d)(6) of the Act, 42 U.S.C. § 7412(d)(6); or (ii) a final determination under section
2 112(d)(6) not to revise NESHAP Subpart M” to **AUGUST 31, 2024.**

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4 **IT IS SO ORDERED.**

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6 Dated: November 22, 2023

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9 WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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United States District Court
Northern District of California